

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMEL MONROE,

Plaintiff,

-v.-

9:06-CV-0976
(GLS)(RFT)

WALRATH, Corrections Officer, Mid-State
Correctional Facility, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

JAMEL MONROE
Plaintiff, *pro se*
c/o Derrick James
268 Beach 17th Street
Fair Rockaway, New York 11691

HON. ANDREW M. CUOMO
Attorney General of the State of New York
615 Erie Boulevard West
Suite 102
Syracuse, New York 13204

SENTA B. SUIDA, ESQ.
Assistant Attorney General

RANDOLPH F. TREECE, U.S. MAGISTRATE JUDGE

ORDER

Presently before the Court is Plaintiff's Motion to Compel Discovery. Dkt. No. 20. Defendants have responded to the Motion. Dkt. No. 25.

Plaintiff filed his Motion to Compel on May 11, 2007. Dkt. No. 20. Plaintiff states that he served Defendants counsel with a set of Interrogatories and Request for Production of Documents on February 26, 2007. Dkt. No. 20, Ex. 1. On April 10, 2007, Plaintiff wrote a letter to counsel seeking a response to his discovery demands. *Id.*, Ex. 2. After receiving no response to his demands or letter, Plaintiff filed this Motion.

On October 19, 2007, in response to the Motion, Defendants' counsel filed a letter in which

she stated that she was unable to find Plaintiff's discovery demands in their file. However, having received the demands within the Motion to Compel, counsel requested additional time to respond to the demands. Dkt. No. 25. Plaintiff was permitted an opportunity to respond to Defendant's Response to the Motion, but did not do so, thus, the pretrial deadlines were extended to allow the parties to engage in further discovery. Dkt. No. 26.

In light of the foregoing, it appears that Plaintiff's present Motion to Compel is moot. Defendants have indicated their willingness to respond to the discovery demands and should have served responses to those demands on Plaintiff on or before November 19, 2007. *Id.* In the event there are any further disputes, the Motion to Compel filing deadline was extended to March 1, 2008. *Id.*

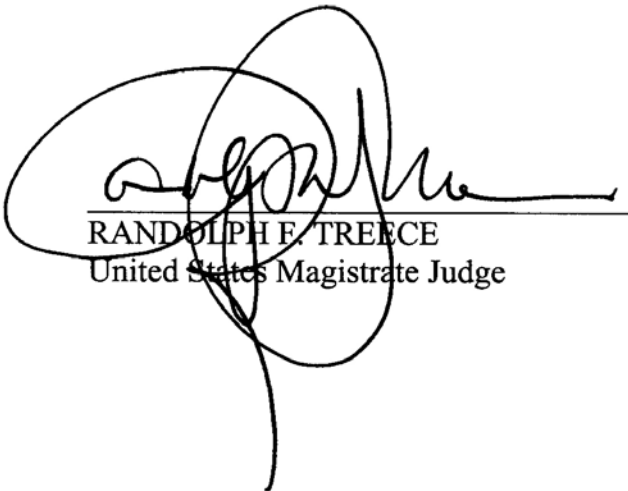
WHEREFORE, it is hereby

ORDERED, that Plaintiff's Motion to Compel (Dkt. No. 20) is **denied as moot**; and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Date: December 12, 2007
Albany, New York



RANDOLPH F. TREECE
United States Magistrate Judge